

REMARKS

Claims 1, 4, 8, 11, 13, 18, 22, 29 and 35 are currently pending in the subject application and are presently under consideration. Applicants' representative thanks Examiner for the courtesies extended during a telephonic interview on May 19, 2007. During the interview, Examiner indicated that claim 12 is allowable if rewritten in independent form. Accordingly, independent claims 1, 22, 29 and 35 have been amended to incorporate allowable subject matter. Additionally, claim 12 has been cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 4, 8, 11-13, 18, 22, 29 and 35 Under 35 U.S.C. §101

Claims 1, 4, 8, 11-13, 18, 22, 29 and 35 stand rejected under 35 U.S.C. §101 because the Examiner alleges the subject claims are directed to non-statutory subject matter. Withdrawal of this rejection is requested for at least the following reasons. Claim 1 (and similarly independent claims 22, 29 and 35) produces a useful, concrete and tangible result.

Because the claimed process applies the Boolean principle [abstract idea] *to produce a useful, concrete, tangible result* ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) (Emphasis added); *See State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the claimed subject matter, as a whole, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been *reduced to some practical application rendering it "useful."* *AT&T* at 1357 citing *In re Alappat*, 33 F.3d 1526, 31 1544, 31 U.S.P.Q.2D (BNA) 1545, 1557 (Fed. Cir. 1994) (emphasis added).

The Examiner contends that the subject claims fail to provide a useful, concrete and tangible result, because the result is allegedly not tangibly embodied. Applicants' representative respectfully disagrees with such contention. In particular, amended independent claim 1 (and similarly independent claims 22, 29 and 35) recites *an input component that reads a meta-model to determine a structure of an item and stores the structure of the item to computer readable*

media. Determining the structure of an item by reading a meta-model provides a user with many advantages. For example, once the structure is determined, a user of the Application Programming Interface (API) may extend the structure of a base item or document with new meta-classes, meta-attributes, meta-relationships, integrity rules, and behavior, among others (See pg. 4, ll. 15-17). Thus, determining the structure of an item provides a user with a useful, concrete and tangible result. Similarly, the *result* of the determination of the structure of an item is stored to computer readable media, providing an additional useful, concrete and tangible result, because when the determination is stored, the result becomes tangibly embodied.

Accordingly, it is respectfully submitted that claims 1, 4, 8, 11-13, 18, 22, 29 and 35, as amended, fall squarely within the purview of *AT&T Corp. v. Excel Communications, Inc.* Thus, claims 1, 4, 8, 11-13, 18, 22, 29 and 35 are eligible for patenting under 35 U.S.C. §101. It is respectfully requested that this rejection be withdrawn.

II. Rejection of Claims 1, 4, 8, 22, 29 and 35 Under 35 U.S.C. §102(b)

Claims 1, 4, 8, 22, 29 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Industry Standards Group Object Management Group (OMG), as documented in Externalization Service Specification, Version 1.0. However, this rejection is moot in view of the allowable subject matter recited in amended independent claims 1, 22, 29 and 35, from which the remainder of the rejected claims depend. Accordingly, it is respectfully requested that this rejection be withdrawn.

III. Rejection of Claim 11 Under 35 U.S.C. §103(a)

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over OMG in view of Access as taught by Mastering Office Professional (1997). This rejection should be withdrawn for at least the following reasons. Claim 11 depends from claim 1, and claim 1 has been amended to recite allowable subject matter. Therefore, it is respectfully requested that this rejection be withdrawn with respect to claim 11.

IV. Rejection of Claim 13 Under 35 U.S.C. §103(a)

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over OMG in view of MS Visual Basic. However, this rejection is moot in view of the allowable subject matter recited in amended independent claim 1, from which claim 13 depends. Accordingly, it is respectfully requested that this rejection be withdrawn with respect to claim 13.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP487US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731